

THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA  
APPROVED MINUTES OF REGULAR BOARD MEETING  
August 3, 1999

The School Board of Alachua County, Florida, met in regular session duly called at 7 p.m. in the Boardroom, 620 East University Avenue, Gainesville, Florida. Present were: Bill Cake, chairman; Barbara Sharpe, vice-chairman; Judy Brashear (participating via telephone), Bev Carroll, and Chester Leathers, members; Lawrence L. Marazza, superintendent; and James F. Lang, attorney for the Board.

The meeting was called to order by Chairman Cake, followed by the Pledge of Allegiance to the Flag.

APPROVAL OF  
MINUTES

Motion by Dr. Leathers                      Seconded by Mrs. Carroll

Moved to approve the minutes of July 6, 1999, as presented.

The question was called.                      Upon Vote: Motion passed 5-0

Motion by Mrs. Sharpe                      Seconded by Dr. Leathers

Moved to approve the minutes of June 3, 1999, as presented.

The question was called.                      Upon Vote: Motion passed 5-0

ADOPTION OF AGENDA

Motion by Mrs. Carroll                      Seconded by Mrs. Sharpe

Moved to adopt the agenda for the meeting of August 3, 1999, as presented.

Add as Action item B.1.g., School Board Meetings.

Change the payment amount under Consent Agenda item 17., Agreement with Alachua County Public Health Department, to \$70.23; delete the name of Daniel M. Gore from the Consent Agenda Attachment A – Page 1; and delete Consent Agenda Item 36., Re-Leasing of Relocatable Classrooms for Project SBAC CA921.

The question was called on the agenda as amended.

Upon Vote: Motion passed 5-0

BOARD MEMBER  
ANNOUNCEMENTS/  
DISCUSSION

Board members announced activities and events attended and an upcoming workshop on Preventing School Violence on August 12 to be held at the University Center Hotel.

Mrs. Brashear requested Chairman Cake appoint a Board Member to serve on the Teen Outlet Council.

Mrs. Sharpe provided the Board with information on safe schools and school uniforms.

Mrs. Carroll requested the Board reconvene Executive Session following the Board meeting to discuss bargaining issues.

Mr. Terry Tougaw, assistant superintendent, Facilities/Transportation, invited the Board to the School Bus Driver Training Conference scheduled at Eastside High School, Wednesday, August 18, 7:30 a.m., and on Thursday, August 19, 8:00 a.m., Lincoln Middle School.

#### CITIZEN INPUT

The following suggestions/recommendations were presented to the Board for consideration:

- An education consultant provided the Board with information on budget concerns related to the new recommended positions.
- The Board was invited to attend the school violence prevention conference on August 12.
- The President of the Alachua County Education Association expressed concern that the legislature is not providing school districts with adequate funding.
- Organizers of the Superintendent's Ball for Education updated the Board on the Ball and thanked them for their support.

Superintendent Marazza was congratulated on completion of his one-year anniversary as Superintendent.

Mrs. Carroll stated she was unable to attend the July 29 Budget Hearing due to a family commitment, but feels she is up to date on the issues after viewing the video of the hearing.

She pointed out that the Board's first priority is to have teachers in the classroom, but must also review the need for the new recommended positions--additional mechanics to keep school buses on the road; a security director, which will be paid out of safe school money, and a charter school director to monitor charter schools.

#### EMPLOYEE CASE NO. E-99-12

Ms. Faye Cake, assistant superintendent, Human Resources, reported that this employee has been charged with violation of School Board of Alachua County Transportation Employee Drug and Alcohol Testing Policy, 6133. Specifically, after testing positive for a controlled substance, the employee failed to follow procedures established for employees who have a positive drug test. The employee has also been charged with being absent without leave, the employee has not attended

scheduled conferences nor requested an appeal through the grievance procedure.

Motion by Mrs. Carroll                      Seconded by Dr. Leathers

Moved the administration's recommendation to terminate the employee's employment with the School Board of Alachua County, effective August 4, 1999.

The question was called.                      Upon Vote: Motion passed 5-0

STUDENT CASE  
NO. 99-40-X

Mr. Tom Wittmer, staff attorney, reported that the student was charged with fighting with another student and battery on school personnel. No hearing was requested.

Motion by Mrs. Sharpe                      Seconded by Dr. Leathers

Moved the superintendent's recommendation to expel the student through the first semester of the 1999-2000 school year.

The question was called.                      Upon Vote: Motion passed 5-0

STUDENT CASE  
NO. 99-45-ADM

Mr. Wittmer reported that the student has requested admission to the Alachua County schools after having been expelled by another public school.

Motion by Mrs. Brashear                      Seconded by Dr. Leathers

Moved the hearing agent's recommendation to uphold the student's expulsion through the first semester of the 1999-2000 school year with the provision that the student be allowed to enroll and attend the zoned school on probation beginning August 1999, if they successfully complete a drug intervention program prior to the beginning of school.

It was noted that the student is participating in the Corner Drug Store program and has been included in a counseling program and an official report will be provided to the Board.

The question was called.                      Upon Vote: Motion passed 5-0

REVISIONS TO THE  
1999-2000 CODE OF  
STUDENT CONDUCT—  
SECOND READING

Ms. Kathy Black, director, Student Support Services, reported that a public hearing was held July 6, 1999, to consider proposed revisions to the 1999-2000 Code of Student Conduct. The revisions are recommended by the discipline committee and are to provide clarification or specific information for parents and students.

Motion by Mrs. Carroll                      Seconded by Mrs. Sharpe

Moved the superintendent's recommendation to adopt the 1999-2000 Code of Student Conduct as revised.

Mrs. Brashear stated that the recommendation includes the extension of electronic pagers to involve cellular telephones as an electronic paging item. She pointed out that computers, watches, pocket organizers and many other items of modern technology can serve as electronic pagers and the state law forbidding electronic pagers on school property is outdated and too restrictive.

She provided the Board with her rationale for amending the motion. (See Supplementary Minutes Book.)

Motion by Mrs. Brashear                      Seconded by Mrs. Carroll

Moved to amend the Code of Student Conduct and that the following language be inserted in Section Three of the Code of Student Conduct as follows:

“Notice: Prohibition Of The Use of Electronic Pagers and Cellular Telephones During School Day

Any use or display of electronic telephone/radio pagers and cellular telephones is prohibited during school hours, including a half-hour before and after the school day. During the school day, telephones are available at the school, if necessary.

And (2) that the Superintendent be authorized to request a waiver by the Commissioner under section 229.592(6), Florida Statutes, of section 230.23(6)(d), Florida Statutes, which prohibits the possession of electronic telephone pagers.”

Mrs. Carroll stated that the Board is in the business of teaching all students and keeping all of them safe. She does not have a problem with students bringing cell phones and leaving them in their cars, nor with students having cell phones at Citizens Field, but is concerned that the majority of students do not own cell phones.

She expressed the following concerns:

- Wants all students to be safe, not only students with cell phones.
- Schools should remain open until 4:30 or 5 p.m. in order to provide phone access for students.
- High schools should have workable phones after hours and pay phones should not be turned off.
- Phones should be available in the main area free of charge for

- students to make local calls.
- Provide faculty access to telephones.

Mrs. Sharpe stated she does not support the amendment because the district must enforce the ban on the use of cell phones, beepers and similar devices as a part of a ten-point action plan for violence prevention. She supports the policy as presented because the safety of children is of the utmost importance to the Board, and requested principals develop a plan of action for students to use telephones in cases of emergency.

Mrs. Carroll stated she supports cell phones in cars and Citizens Field, but does have an issue with cell phones in the classroom and in backpacks. She requested staff obtain teacher comments on this issue and on the availability of cell phones for teachers.

Chairman Cake stated that if the Board passes the Code of Student Conduct as recommended, the Board will be in compliance with state law. He recommended that parents be required to apply for a county Code waiver from the Board for permission to possess a pager or cell phone. The parent and student must then sign an awareness and proper use form that designates when cell phones or pagers can be used and by whom and the consequences if the Code is violated. He suggested staff and principals work together to develop a form. He suggested that one of the consequences of possession without prior authorization would result in immediate confiscation of the device. The device would be returned by the principal after two grading periods. The student would then be disciplined in accordance with the appropriate section of the Code.

Mr. Wittmer informed the Board that the term electronic pager includes other enhanced devices, but is a district interpretation because there is no state interpretation. If the district interpretation is that it does not include the enhanced devices, then it is a local decision for anything except pager in the traditional sense.

Mrs. Sharpe stated there is a glitch in the law and suggested the Board may want to include this issue as a legislative priority or provide proviso language on this bill.

Mrs. Brashear stated that the Board can waive Board policy, but cannot waive state law.

Chairman Cake noted that pagers are illegal and the Board should address cell phones in the waiver procedure.

Mrs. Carroll stated that the Board should vote on the pager issue and

uphold state law and allow high school principals to deal with the issue of cell phones in cars, backpacks and lockers.

Chairman Cake stated there would be no waiver for a pager.

Mrs. Sharpe pointed out that the Commissioner of Education directed school districts to enforce the ban on student use and possession of beepers, cell phones and similar devices on school property. The Commissioner has the right to give that directive even though it is not written as a part of the Florida Statute. She noted that the term responsible students can apply not only to students who have cars and phones, but also applies to students who are less fortunate and do not have either, but are still responsible students.

Dr. Leathers felt it important to note that the same opportunities and limitations should be provided to all students.

Mrs. Carroll requested the Board consider banning pagers and allow cell phones in cars and at Citizens Field, and requested middle and high school principals review this issue and provide suggestions.

The question was called on the motion as amended.

Upon Vote: Motion failed 4-1

No: Mr. Cake  
Mrs. Carroll  
Dr. Leathers  
Mrs. Sharpe

Yes: Mrs. Brashear

Motion by Mrs. Carroll

Seconded by Mrs. Brashear

Moved to amend the motion to delete telephone possession from the Misbehaviors and Consequences chart in the elementary and secondary Code.

The question was called on the motion as amended.

Upon Vote: Motion passed 3-2

Yes: Mrs. Brashear  
Mr. Cake  
Mrs. Carroll  
No: Dr. Leathers  
Mrs. Sharpe

Motion by Mrs. Carroll

Seconded by Mrs. Brashear

Moved to amend the motion to read that cell phones be permissible in cars on school property and Citizens Field with the stipulation of a signed parent agreement.

Chairman Cake requested staff develop a waiver.

Mrs. Brashear suggested that if staff receives clarification on the state law indicating that cell phones are electronic paging devices, the Superintendent consider presenting the issue of obtaining a waiver at that time.

The question was called on the amendment.

Upon Vote: Motion passed 3-2  
Yes: Mrs. Brashear  
Mr. Cake  
Mrs. Carroll  
No: Dr. Leathers  
Mrs. Sharpe

Superintendent Marazza noted that he would be happy to discuss this issue with principals and work with legislators and professional associations to do what is the best public policy on this issue in order to provide improved service relating to the waivers and the law.

The question was called on the original motion as amended.

Upon Vote: Motion passed 3-2  
Yes: Mrs. Brashear  
Mr. Cake  
Mrs. Carroll  
No: Dr. Leathers  
Mrs. Sharpe

BID AWARD FOR  
PROJECT SBAC CB709—  
SANTA FE HIGH  
SCHOOL ROOF  
REPAIR/REPLACEMENT

Mr. Ed Gable, director, Facilities, reported that bids for the construction of this project were received on May 6, 1999. The first and second low bidders have withdrawn their bids as submitted. Forfeiture of the bid bond will be assessed in accordance with the bid documents.

Motion by Dr. Leathers

Seconded by Mrs. Carroll

Moved the superintendent's recommendation that the School Board accept the base bid of \$310,000, and Additive Alternate No. 1 in the amount of \$270,000, and award a contract for construction totaling \$580,000 to R. F. Lusa and Sons Sheetmetal, Inc., Lakeland, Florida, with completion of this project to be within one hundred-fifty (150)

consecutive calendar days from the date indicated in the "Notice to Proceed."

It was noted that both contractors made a serious error and withdrew their bids.

The question was called. Upon Vote: Motion passed 5-0

INTERNAL REVENUE  
SERVICE  
COMPLIANCE—TSA  
CONSULTING GROUP,  
INC.

Dr. Mary Chambers, assistant superintendent, Business Services, reported that consultant services to assure compliance with IRS rules and regulations are specialized and needed by the district. A contract for services with TSA Consulting Group, Inc., for this compliance responsibility will assure the Board's compliance responsibilities under the law.

Motion by Mrs. Carroll Seconded by Mrs. Sharpe

Moved the superintendent's recommendation to enter into a contract with TSA Consulting Group, Inc., for IRS compliance and employee educational services.

The question was called. Upon Vote: Motion passed 5-0

BENCOR NATIONAL  
GOVERNMENT  
EMPLOYEES  
RETIREMENT PLAN  
(FICA ALTERNATIVE  
PLAN)

Dr. Chambers reported that the district currently has an IRS Code 401A Plan alternative social security plan for temporary and seasonal employees and annually saves in excess of \$100,000 through the alternative social security plan. This plan amends that plan to include special pay for such items as sick leave, annual leave and soon to come performance pay. The intent is to provide for better planning and budgeting for the district's dollars for these types of pay-outs and to maximize the district's tax savings for not only the district, but for employees as well.

Motion by Mrs. Carroll Seconded by Mrs. Sharpe

Moved the superintendent's recommendation to approve an amendment to the district's FICA Alternative Plan with BENCOR to allow for maximum tax benefits under the law.

The question was called. Upon Vote: Motion passed 5-0

SCHOOL BOARD  
MEETING CHANGE

Motion by Mrs. Carroll Seconded by Mrs. Sharpe

Moved to reschedule the August 17 Board meeting to August 24, 1999, and schedule a budget workshop August 19, 1999, 9 a.m. to 11 a.m.

Mrs. Brashear noted that she would not be able to attend the August 19

workshop.

The question was called. Upon Vote: Motion passed 5-0

Superintendent Marazza stated that the recommended budget reflects a three-tier reorganization that anticipates strategic planning and how that plan will impact the district's financial needs and the prioritization of funding projects and programs. Staff will provide the rationale to support any and all recommendations relative to these positions.

CONSENT AGENDA

Motion by Mrs. Sharpe Seconded by Mrs. Carroll

Moved to approve the consent agenda as described in items 1-37, with the deletion of item 36. (See Supplementary Minutes Book.)

The question was called. Upon Vote: Motion passed 5-0

Mrs. Sharpe requested a discussion item at the next meeting on School Uniforms. She suggested that following the meeting with Mr. Wolfgang Halbig, the Board and new security director meet in workshop session to discuss the violence task force report and school uniforms.

Mrs. Carroll was appointed as the Board's representative to the Teen Outlet Council Board.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.